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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/069,691	06/03/2002	Stephen Gill	PA-9947	3741

36335 7590 12/29/2006

GE HEALTHCARE, INC.
IP DEPARTMENT
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EXAMINER	
JONES, DAMERON LEVEST	
ART UNIT	**PAPER NUMBER**
1618	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/29/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/069,691	GILL ET AL.	
	Examiner	Art Unit	
	D. L. Jones	1618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 October 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

ACKNOWLEDGMENTS

1. The Examiner acknowledges receipt of Applicant's request for reconsideration filed 10/18/06.

Note: Claims 1-14 are pending.

RESPONSE TO APPLICANT'S AMENDMENT/ARGUMENTS

2. The Applicant's arguments filed 10/18/06 to the rejection of claims 1-14 made by the Examiner under 35 USC 103 have been fully considered and deemed non-persuasive for reasons of record in the office action mailed 5/18/06 and those of record in the office action mailed 11/29/05.

103 Rejection

The rejection of claims 1-14 under 35 USC 103(a) as being unpatentable over Crane (US Patent No. 5,961,952) in view of any one of JP 11099192 or Schott Glaswerke (DE 29609958) or Walther (US Patent No. 6,200,658) is MAINTAINED for reasons of record in the office action mailed 5/18/06 and those of record in the office action mailed 11/29/05.

Applicant's assertions may be summarized as follows which have previously be made of record and addressed. First, Applicant summarizes each of the cited references. Applicant asserts that the JP '192 has been mischaracterized; the Schott Glaswerke provides no further description of a contained material such as radiopharmaceutical metal complexes; and Walther contains no reference to radiopharmaceutical metal complexes per se.

Applicant's arguments are not persuasive for reasons already of record in the office actions mailed 5/18/06 and 11/29/05. Applicant is reminded that a reference does not have to go into endless detail regarding a feature, but if that reference vaguely discloses the use of such a feature, then the reference is considered for its broad teachings. Thus, Crane does not have to discuss in detail a vial to hold its composition. The JP'192 document was cited for its teachings regarding glass containers with silica coated inner surfaces for use with radiopharmaceutical. Hence, one should not limit its teachings to thallous chloride, but for what the document teaches as a whole. Likewise, Schott Glaswerke was cited for its teachings of the use of vials for pharmaceuticals. In regards to the use of silicon and silica and Applicant reiteration of previous arguments, the Examiner's position was set forth in the office actions mailed 5/18/06 and 11/29/05 and it is believed that the record is clear and no additional comments are necessary regarding the issue. Thus, both the previous Examiner's and Applicant's arguments which are repeatedly being made are noted. While the prior art may disclose other possible vial coatings, the test for obviousness is not whether the prior art teaches that all vials should be coated with one particular type of coating, but what the prior art renders obvious. Thus, since the cited prior art references disclose that one possible vial coating is that with silica, the references were combined to render the instant invention obvious. Hence, the combination of references is deemed proper.

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. L. Jones whose telephone number is (571) 272-0617. The examiner can normally be reached on Mon.-Fri., 6:45 a.m. - 3:15 p.m..
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Hartley can be reached on (571) 272-0616. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

D. L. Jones
Primary Examiner
Art Unit 1618

December 26, 2006